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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060077
Party	Defendant Arduino, LLC
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Date	12/15/2014
Attachments	Answer (01247396).pdf(110416 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Smart Projects S.r.l.

Petitioner,

v.

Arduino, LLC,

Registrant.

Cancellation No. 92060077

Registration Nos. 3931675 and 4113794



Marks: ARDUINO and

ANSWER TO CONSOLIDATED PETITION TO CANCEL

Registrant, Arduino, LLC (“Registrant”) by and through its attorneys, Leason Ellis LLP, hereby answers the Consolidated Petition for Cancellation as follows:

COUNT I

1. Registrant’s address of record has been updated to 72 Oak Street, #4, Somerville, Massachusetts, 02143. Registrant answers the allegations of paragraph 1 by stating that the applications and resulting registrations speak for themselves.

2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 and, accordingly, denies the same.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 and, accordingly, denies the same. Petitioner has not specified the trademarks that Petitioner has alleged to have acquired extensive goodwill.

4. Registrant answers the allegations of paragraph 4 by stating that the applications speak for themselves.

5. Registrant answers the allegations of paragraph 5 by stating that its registrations speak for themselves, but denies that Petitioner owns assertable rights in what it refers to as Petitioner's trademarks. The remaining allegations of paragraph 5 consist of legal conclusions to which a response is not required.

6. Registrant denies the allegations in paragraph 6.

7. Paragraph 7 contains a statement of law to which a response is not required.

8. Registrant denies the allegations in paragraph 8.

9. Registrant admits that the entity Arduino, LLC was not in existence in 2005, but denies the remaining allegations in paragraph 9, as Arduino, LLC claims ownership and claims a date of first use through its predecessors in interest.

10. Registrant admits the allegations in paragraph 10.

11. Registrant denies the allegations in paragraph 11.

12. Registrant denies the allegations in paragraph 12.

13. Registrant denies the allegations in paragraph 13.

14. Registrant denies the allegations in paragraph 14.

COUNT II

15. Registrant incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 14.

16. Paragraph 16 contains a statement of law to which a response is not required.

17. Registrant answers the allegations of paragraph 17 by stating that the applications speak for themselves.

18. Registrant denies the allegations in paragraph 18.

19. Registrant denies the allegations in paragraph 19.

20. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 and, accordingly, denies the same.

21. Registrant denies the allegations in paragraph 21.

COUNT III

22. Registrant incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 21.

23. Registrant denies the allegations in paragraph 23.

24. Registrant denies the allegations in paragraph 24, except to admit that Registrant, Arduino, LLC, was formed in 2008. Furthermore, Registrant claims rights through its predecessors in interest and that trademark rights have inured to the benefit of Registrant through licenses.

25. Registrant's registrations and Petitioner's applications speak for themselves.

26. Registrant denies the allegations in paragraph 26.

27. Registrant denies the allegations in the first sentence in paragraph 27 and notes that the remainder of paragraph 27 consists of a future hypothetical statement to which a response is not required.

28. The marks depicted in Registrant's registrations and Petitioner's applications speak for themselves. Registrant denies that Petitioner owns the trademarks in its pending applications.

29. Registrant denies the allegations in paragraph 29.

30. Registrant denies the allegations in paragraph 30.

31. Registrant denies the allegations in paragraph 31.

COUNT IV

32. Registrant incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 31.

33. With regard to paragraph 33, The Lanham Act speaks for itself.

34. Registrant denies the allegations in paragraph 34.

35. Registrant denies the allegations in paragraph 35.

COUNT V

36. Registrant incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 35.

37. Registrant denies the allegations in paragraph 37.

38. Registrant denies the allegations in paragraph 38.

39. Registrant denies the allegations in paragraph 39.

40. Registrant denies the allegations in paragraph 40.

41. Registrant denies the allegations in paragraph 41.

42. Registrant denies the allegations in paragraph 42.

43. Registrant admits the allegations in paragraph 43.

44. Registrant denies the allegations in paragraph 44.

45. Registrant denies the allegations in paragraph 45.

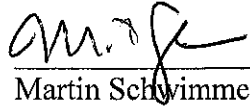
46. Registrant denies the allegations in paragraph 46.

47. Registrant denies the allegations in paragraph 47.

WHEREFORE, Arduino, LLC respectfully requests that the Cancellation Action be dismissed with prejudice.

Dated: December 15, 2014
White Plains, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Schwimmer', is written over a horizontal line.

Martin Schwimmer
Michelle Levin

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Attorneys for Registrant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing ANSWER TO
CONSOLIDATED PETITION TO CANCEL was served upon counsel for Smart Projects S.r.l..
on this 15th day of December 2014 by first-class mail, postage prepaid, addressed as follows:

PAOLO A STRINO
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/michelle levin/

Michelle Levin